

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

No. 1:08-CR-212

v

Hon. Robert J. Jonker

MICHAEL CLARK,

Defendant.

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**DEFENDANT'S MOTION FOR VARIANCE**

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NOW COMES the Defendant, Michael Clark, by and through his attorney, Michael R. Bartish, and pursuant to *United States v. Kimborough*, 128 S.Ct. 558, 169 L.Ed. 2d 481 (2007), and *Rita v. United States*, 127 S.Ct. 2456, 2463, 168 L.Ed.2d 203 (2007), respectfully asks this Court to grant a variance and impose a sentence that is less than the calculated guideline range. The reasons supporting this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

DATED: June 30, 2009

s/ Michael R. Bartish  
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